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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1647
 Examiner : Sharon L. Turner, Ph.D.
 Applicant(s) : ME Gurney, AM Pauley and J Li
 Serial Number : 09/328,877
 Filed : 9 June 1999
 For : Human Sel-10 Polypeptides and Polynucleotides that Encode Them

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 OCT 18 2002
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Commissioner of Patents and Trademarks
 Washington, DC 20231

Sir:

This is in response to the office action mailed 11 July 2002 in the above-identified application, the shortened statutory period for response being until 11 August 2002. A request for a two month extension of time for response is included herewith to extend the period for response to 11 October 2002.

Election

Group V (The polypeptide of SEQ ID NO:7, Claim 42) is provisionally elected with traverse.

Background

This application is a CPA under 37 CFR 1.53(d) based on parent application No. 09/328,877. Two Preliminary Amendments were received by the Patent Office due to an error by Applicant's attorney. Applicant's attorney apologizes for the error. The Examiner has indicated that first amendment has been considered. The second amendment has been entered in application No. 09/213,888. Applicants and Applicant's attorney thank the Examiner for her considerable patience and courtesy in correcting this error.

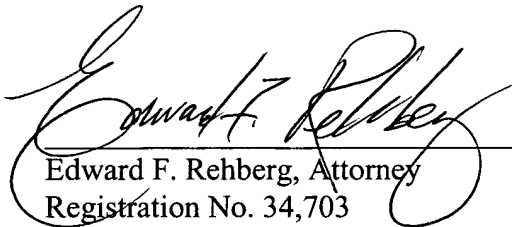
Traversal of the Restriction Requirement

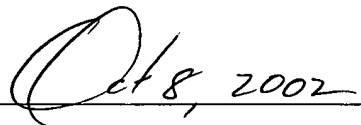
Applicants respectfully submit this traversal only to clarify the record. We are not certain that we disagree with the Examiner. Applicants agree with the Examiner that Claim 42, Group V, links claims 43-51, Groups I-IV and VI-X. The Examiner notes that "there is no evidence that SEQ

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ID NOS:21, 25, 27 would be encompassed by a search for SEQ ID NO:7 as indicated in Exhibit A". Applicants agree that Exhibit A does not contain information about SEQ ID NOS:21, 25, 27. For the sake of clarity however Applicants have included another alignment designated Exhibit 1 to indicate that SEQ ID NO:7 does indeed share a common structural feature with SEQ ID NOS:21, 25, 27 and that SEQ ID NOS: 21, 25, 27 are properly considered species within the genus.

Respectfully submitted,


Edward F. Rehberg, Attorney
Registration No. 34,703

Date: 

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CERTIFICATE OF MAILING (37 CFR 1.8)

Date of Deposit with U.S. Postal Service: October 8, 2002

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Julie K. Lyons, Legal Assistant

Julie K Lyons
Signature

Name of Person Mailing Paper

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Examiner : SL Turner

Applicant(s) : ME Gurney, AM Pauley, and J Li

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TRANSMITTAL OF A RESPONSE TO A NON-FINAL ACTION (37 CFR 1.111)

Sir:

Transmitted herewith is a reply and/or amendment in the above-captioned application in response to the Examiner's action dated 07/11/2002.

The reply and/or amendment is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

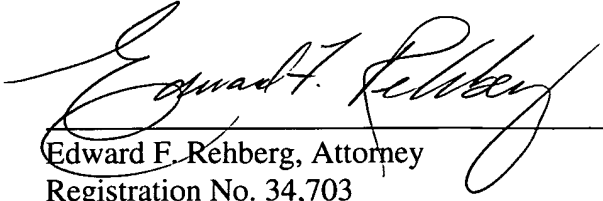
An additional fee in the amount of \$ is required for the amended claims presented and has been calculated as shown in the attached sheet.

Please charge Deposit Account No. 21-0718 in the amount of the additional fee above, or such greater or lesser amount of excess fees for claims as the Commissioner determines is required by law. Triplicate copies of this sheet are enclosed.

EXTENSION OF TIME. In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the attached reply and/or amendment to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718. If for any

reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,


Edward F. Rehberg, Attorney
Registration No. 34,703

Date: Oct 8, 2002

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Enclosures:

Reply/Amendment

Calculation of Additional Fees for Amended Claims